

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 Northern District of California
7

8 DEVELOPERS SURETY AND INDEMNITY
9 COMPANY, an Iowa Corporation,
10 Plaintiff(s),

No. C 10-0616 JSW (MEJ)

11 v.
12 A-1 SEPTIC CONSTRUCTION, INC., a
13 California Corporation; ROBERT PIDDOCK,
an individual; CAROLE PIDDOCK, an
individual,

14 Defendant(s).
15 _____ /

**ORDER REQUESTING
SUPPLEMENTAL BRIEFING**

16 Pending before the Court is Plaintiff's motion for attorneys' fees and costs, scheduled for a
17 hearing on October 7, 2010. (Dkt. #45.) Upon review of Plaintiff's submissions, the Court notes
18 that Plaintiff has not provided any evidence which shows that the rates its counsel seeks are in line
19 with the prevailing market rates in this district. In the Ninth Circuit, reasonable rates are to be
20 calculated according to the prevailing market rates in the relevant community, with close attention
21 paid to the fees charged by lawyers of reasonably comparable skill, experience, and reputation."

22 *Davis v. City and County of San Francisco*, 976 F.2d 1536, 1546 (9th Cir. 1992) (internal citations
23 and quotations omitted). "The fee applicant has the burden of producing satisfactory evidence, in
24 addition to the affidavits of its counsel, that the requested rates are in line with those prevailing in
25 the community for similar services of lawyers of reasonably comparable skill and reputation."

26 *Jordan v. Multnomah County*, 815 F.2d 1258, 1263 (9th Cir. 1987). "Affidavits of the plaintiff's
27 attorney and other attorneys regarding prevailing fees in the community, and rate determinations in
28 other cases, particularly those setting a rate for the plaintiff's attorney, are satisfactory evidence of

1 the prevailing market rate.” *United Steelworkers of America v. Phelps Dodge Corp.*, 896 F.2d 403,
2 407 (9th Cir.1990).

3 Accordingly, the Court ORDERS Plaintiff to file a supplemental declaration which
4 establishes that the rates its counsel seeks are in line with the prevailing market rates in the Northern
5 District of California. Plaintiff should be mindful that the declaration addresses the standard above.
6 The declaration shall be filed by September 30, 2010.

7 **IT IS SO ORDERED.**

8
9 Dated: September 22, 2010

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Maria-Elena James
Chief United States Magistrate Judge

